

REMARKS

The Office examined claims 1-23 and rejected same, based on a new ground of rejection. With this paper claims 4 & 11 are cancelled, and their respective limitations are added by amendment to claims 1 & 8, and the limitations of claim 11 are also added claim 21. Claims 1-3, 5-10, 12-23 remain pending.

Rejections under 35 USC §103

At pages 2 & 6-7 of the Office action, claims 1-23 are rejected under 35 USC §103 as being unpatentable over WO99/30479 (hereinafter Alperovich) in view of U.S. Pat. No. 5,655,003 (hereinafter Erving). The independent claims are 1, 8 & 21.

As to claim 1 & 8: Claim 1 is to a method for use by a device (a wireless communication terminal equipped for cellular communication) in determining whether to allow an application hosted by the device to establish a connection to a cellular network for which other applications hosted by the device already have connections, or to a new cellular network. The cellular device makes its decision based on "factors including the information about currently active cellular network systems." Apparatus claim 8 recites corresponding limitations.

The office asserts that Alperovich discloses the invention as claimed in claims 1 and 8, as examined, except for teaching that the decision on allowing a new connection is based on factors including the information about currently active cellular network systems. Alperovich teaches a telecommunication system wherein a mobile terminal receives identifying information for each accessible cellular network, compares that information against a list of permissible networks stored in the mobile terminal's SIM card, and allows the user to select a network based upon the fees each network assesses for roaming service. (Alperovich, pp. 3, 11. 12-26).

The Office asserts that Alperovich discloses "deciding whether to allow establishing a new connection to one of the currently active cellular network systems on behalf of **another** application hosted by the device." (Final Office action, part 2, emphasis added.) Only two applications are disclosed by Alperovich. The first is the "charging application," (Alperovich, pp 5, ll. 5-10), which resides either within a Base Station Controller or a Mobile Switching Center, not on the user-end mobile terminal (as do the applications contemplated by the instant application). The charging application transmits charging information relating to the rates of available cellular networks to a user's mobile terminal for processing by the second, unnamed, application. The second application is the "selection means within said mobile terminal for selecting said given cellular network, using said charging information associated with said given cellular network." (Alperovich, pp. 7, Claim 1, ll. 10-13).

There is no disclosure in Alperovich of multiple applications running simultaneously on the mobile terminal, much less "deciding whether to allow establishing a new connection [...] on behalf of another application hosted by the device". (Claim 1, emphasis added). Examiner relies upon Alperovich, pp. 4, ll. 23-32; pp. 5, ll. 1-4, 16-27; claim 1, ll. 10-14. Applicant can find no support in the cited sections (or anywhere else in the publication) for the proposition that Alperovich discloses use and/or scheduling of multiple applications on a mobile terminal. Applicant respectfully submits that Alperovich discloses the general establishment of connectivity with cellular networks when roaming from the end-user's home network and not the establishment of multiple connections by a single mobile terminal.

Alperovich does, however, disclose disallowing certain mobile terminals from accessing certain other cellular networks based upon agreements between the user's cellular network and the roaming networks. (See Alperovich, pp. 5, ll. 19-25). This is

not the same as "deciding whether to allow establishing a new connection." As required by claim 1, each of the instant invention's connections relates to an application--for example, a traditional telephony application (such as ability to create and receive speech calls), a WAP (wireless access protocol) browser, a MMS (multimedia message system) application, or support for dial-up networking--requiring a discrete connection in order to operate in parallel with other applications the user wishes to run simultaneously on his or her mobile terminal. The Alperrovich device, in contrast, decides whether to allow establishing **connectivity**, not **a new** connection coextensive with existing connections. Alperrovich seeks to prevent users from accessing cellular networks where they are not permitted to roam, whereas the instant invention distinguishably claims "obtaining information about one or more currently active cellular network systems to each of which the device has **one or more active connections** [and then] deciding whether to allow establishing a **new** connection." In light of Alperrovich's specification, it is clear that this device feature was directed to denying or allowing a solitary connection to a single network, rather than the plurality of application-specific connections to one or more networks as is presently claimed.

Erving teaches a wireless terminal that is software-configurable to access different kinds of wireless communication systems.¹ The invention as in claims 1 & 8, on the other hand,

¹The Erving device is described as follows:

a wireless terminal utilizing digital radio processing and that utilizes stored program control to allow the wireless terminal to operate in a plurality of disposed wireless communication systems. In particular, the digital radio processing with appropriate stored program control operates in a plurality of wireless communication system by selectively and controllably enabling selection of frequency, channel bandwidth, modulation type, channel coding and source coding operational components appropriate to the communication system that the wireless unit is to operate in. A function control enables the wireless terminal

provides a method by which a device determines whether to allow another network connection for use by an application hosted by the device to a network (possibly different from the currently active networks) when there are already one or more network connections. As applicant has argued in previous communications, Erving addresses a different problem than that of the invention as in claims 1 & 8. (See Applicant's response to non-final office action dated 10 Oct. 2006).

The Office relies on Erving col. 1, ll. 40-49; col. 2, ll. 36-51; col. 3, ll. 5-10; col. 4, ll. 25-35, 50-67; col. 6, ll. 58-67; and col. 7, ll. 1-2 as "teaching information about combinations of different connections allowed by each currently active network system." (Final Office action, part 2.) The Office states that "[i]t would have been obvious to one skilled in the art at the time of the invention to modify Alperovich, such that the device would generate indication of changing to a different system based on information that is appropriate for continuing the connection for more efficient and accurate communication."

Applicant respectfully submits that all that is disclosed by Erving within the cited text is to have a wireless communication device try getting, in effect, a dial tone from each of the different wireless communication systems for which the device is configurable for operation. More accurately, Erving teaches, among other things, measuring a received signal strength for each such wireless communication system. There is simply **no** teaching or suggestion of deciding whether to allow establishing a new connection as required by claims 1 or 8 (let alone making such a decision based on information about any currently active cellular network systems, as further required by claims 1 & 8), but rather simply a teaching of trying to determine if a connection **can** be

to actively seek out and search for availability of wireless communications system in which it may operate.

made. As explained at col. 1, ll. 47-49, the functionality disclosed by Erving allows a wireless terminal "to actively seek out and search for availability of wireless communications system in which it may operate." This is not at all the same as deciding whether to allow a connection to a wireless communication system.

Applicant thus respectfully submits that Aperrovich in view of Erving, in combination, cannot fairly be said to teach or suggest the invention as in claims 1 & 8.

But further, Claims 1 & 8 are now changed to incorporate to incorporate the limitations of claims 4 & 11 respectively. The examiner has asserted that Alperrovich and Erving disclose making use of information about connections currently in use where the information includes at least the number and type of connections currently in use, relying on Erving (only), at col. 1, ll. 40-49; col. 2, ll. 36-51; col. 3, ll. 5-10; col. 4, ll. 25-35 & 50-67. Applicant respectfully submits that the assertions of the office notwithstanding, Erving discloses only seeking out and searching for availability of wireless communications systems in which a terminal may operate. Regardless, the limitations have been incorporated into the main claims further distinguishing them from the art.

As to claim 21, also changed to include the limitations of claim 11, the Office relies on the same disclosure in Alperrovich and Erving as teaching each of the elements recited in claim 21 as the Office relied on for teaching the limitations of claims 1 & 8. Because the limitation in claim 21 correspond to the limitations in claim 1 and 8 where making a decision based on information about currently active cellular network systems is recited claim 21 is believed allowable for the reasons given for claims 1 & 8.

(Erving, Col. 1, 40-49).

Accordingly, applicant respectfully requests that the rejections under 35 USC §103 of claims 1, 8, and 21 to be reconsidered and withdrawn, and also the rejections of the other claims so rejected and not argued, in view of their dependencies.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

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Date

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